

**CRM-M-21080-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.212****Case No. : CRM-M-21080-2025****Decided On : July 14, 2025**

Rajan Garg Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. R. K. Singla, Addl. A. G., Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.87 dated 04.03.2025, under Sections 406, 420, 506 IPC, 1860, registered at Police Station Taraori, District Karnal.

The story of the prosecution, in short, is that firm namely M/s Goyal Brothers Trading Company purchased paddy from the complainant firm M/s Luxmi Industries, Taraori. Pardeep Kumar Goyal was a partner in the firm M/s Goyal Brothers Trading Company and petitioner Rajan Garg was his nephew. Total purchase amounted to Rs.36,74,428/-, out of which, Rs.20,64,428/- was outstanding. Payments of Rs.2,00,000/-, Rs.1,20,000/-



and Rs.10,001/- were made on 17.03.2025 and 24.01.2025 respectively. As per Pardeep Kumar Goyal, he fell sick and during this period, petitioner looked after entire work of his Company. During this period, he committed fraud and then established his own Sheller at Madhya Pradesh. He also allegedly made payment of certain amount for getting paddy from other sellers. Pardeep Kumar Goyal also joined investigation to show his bona fide whereas petitioner failed to do so and therefore, his anticipatory bail petition was declined by the Court of learned Sessions Judge, Karnal (hereinafter referred to as – Trial Court).

Learned counsel for the petitioner contended that the present dispute between the complainant and main accused Pardeep Kumar Goyal is of civil nature regarding recovery of money, pertaining to sale of rice. Petitioner is neither the Proprietor nor the partner or linked in any manner with M/s Goyal Trading Company. Pardeep Kumar Goyal took the entire responsibility regarding the payments to the complainant and petitioner never visited the complainant at any point of time. The main accused Pardeep Kumar Goyal has wrongly shifted the entire burden upon the petitioner by falsely alleging that the petitioner was looking after his business. Learned counsel further submitted that no recovery is to be effected from the petitioner and police has acted against the petitioner with the purpose to recover the money of the complainant from him, which he had never received. The counsel urged that the petitioner is not required for any interrogation and he be granted concession of anticipatory bail.

Notice in this case was issued on 24.04.2025 and Status Report was called from the State, which has already been placed on record



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on 06.05.2025.

Learned State counsel has opposed the present bail petition and has contended that the allegations levelled against the petitioner are serious in nature for having embezzled the complainant's money. Referring to the Status Report filed on behalf of the respondent-State, learned State counsel submitted that the petitioner had transferred Rs.1,30,000/- on 24.01.2025, Rs.2,00,000/- on 17.03.2025 and Rs.7,43,000/- on 29.04.2025 in the bank account of complainant's firm namely M/s Laxmi Industries. However, for recovery of balance outstanding amount, custodial interrogation of the petitioner is required. So, he does not deserve concession of anticipatory bail.

Heard.

The petitioner is not alleged to be Proprietor or partner or linked in any manner with M/s Goyal Trading Company. The dispute between the complainant and co-accused Pardeep Kumar Goyal is regarding recovery of money in their business transactions i.e. with regard to sale of rice. Co-accused Pardeep Kumar Goyal shifted entire burden upon the petitioner while alleging that the petitioner was looking after his business. In this regard, reliance is placed upon a judgment of Hon'ble Apex Court in **Dilip Singh vs. State of Madhya Pradesh and another** reported as **2021(2) SCC 779**, relevant portion of which reads as under :-

“5. It is well settled by a plethora of decisions of this Court that criminal proceedings are not for realization of disputed dues. It is open to a Court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the



particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character behaviour and standing of the accused; and the circumstances which are peculiar to the accused and larger interest of the public or the State and similar other considerations. A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial.”

It is trite law that while deciding applications for bail, the process should not be used for coercion or recovery of money and rather, merits of the case are to be seen. In the instant case, business transactions are already available with the police. The co-accused Pardeep Kumar Goyal, partner of M/s Goyal Brothers Trading Company has already been granted bail vide order dated 15.04.2025, passed by learned Trial Court. The petitioner is not having any criminal antecedents. Custodial interrogation of the petitioner is not required for any purpose. So, no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered



to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

July 14, 2025
monika

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.